

Unofficial 20 Document

RECORDING REQUESTED BY:

13

PACIFIC COAST TITLE

Ho:

WHEN RECORDED MAIL TO:

TRUSTEE CORPS
17100 Gillette Ave
Irvine, CA 92614

TS No. AZ01000039-13

TO No. 95303642

NOTICE OF TRUSTEE'S SALE

The following legally described trust property will be sold, pursuant to the power of sale under that certain Deed of Trust dated **April 28, 2004** and recorded on **April 28, 2004** as Instrument No. **20040459425** and re-recorded on **July 16, 2004**, as Instrument No. **20040815400**, both of official records in the Office of the Recorder of **Maricopa** County, **Arizona** at public auction to the highest bidder **at the main entrance of the Superior Court Building 201 West Jefferson, Phoenix, AZ 85003** on **January 23, 2014** at **12:30 PM** on said day.

The street address and other common designation, if any, of the real property described above is purported to be: **22002 S. ELLSWORTH RD., QUEEN CREEK, AZ 85242**

PARCEL NO. 1:

**THAT PART OF THE NORTHEAST QUARTER OF THE NORTHEAST QUARTER OF SECTION 21, TOWNSHIP 2 SOUTH, RANGE 7 EAST OF THE GILA AND SALT RIVER BASE AND MERIDIAN, MARICOPA COUNTY, ARIZONA, DESCRIBED AS FOLLOWS:
BEGINNING AT THE NORTHEAST CORNER OF SECTION 21;
THENCE SOUTH ALONG THE EAST LINE OF SECTION 21, 104.33 FEET,
THENCE SOUTH 88 DEGREES 52 ½ MINUTES WEST 169.48 FEET TO THE NORTHWEST CORNER OF THE WRIGHT'S PROPERTY;
THENCE NORTH 1 DEGREE 2 ½ MINUTES WEST 108.37 FEET TO A POINT ON THE NORTH LINE OF SECTION 21;
THENCE SOUTH 89 DEGREES 46 MINUTES EAST ALONG THE NORTH LINE OF SECTION 21, 171.43 FEET TO THE POINT OF BEGINNING.
EXCEPT THE EAST 33 FEET AND THE NORTH 33 FEET FOR ROADWAY PURPOSES.**

PARCEL NO. 2:

**THE NORTH 80 FEET OF THAT PART OF THE NORTHEAST QUARTER OF THE NORTHEAST QUARTER OF SECTION 21, TOWNSHIP 2 SOUTH, RANGE 7 EAST OF THE GILA AND SALT RIVER BASE AND MERIDIAN, MARICOPA COUNTY, ARIZONA DESCRIBED AS FOLLOWS:
BEGINNING AT A POINT ON THE EAST LINE OF THE NORTHEAST QUARTER OF SECTION 21, A DISTANCE OF 104.33 FEET SOUTH OF THE NORTHEAST CORNER OF SECTION 21, SAID POINT BEING THE SOUTHEAST CORNER OF THAT CERTAIN PARCEL OF LAND CONVEYED TO DANA BROS. PETROLEUM CO., A CORPORATION, BY DEED RECORDED IN DOCKET 990, PAGE 520;
THENCE SOUTH 88 DEGREES S2 1/2 MINUTES WEST ALONG THE SOUTH LINE OF SAID DANA LAND, A DISTANCE OF 169.48 FEET TO THE SOUTHWEST CORNER OF SAID DANA LAND, AND THE NORTHWEST CORNER OF WHAT IS KNOWN AS WRIGHT'S STORE,
THENCE SOUTH PARALLEL WITH THE EAST LINE OF SAID SECTION 21, A DISTANCE OF 200 FEET;**

THENCE NORTH 88 DEGREES 52 ½ MINUTES EAST A DISTANCE OF 169.48 FEET TO THE EAST LINE OF SAID SECTION 21;
 THENCE NORTH ALONG THE EAST LINE OF SECTION 21, A DISTANCE OF 200 FEET TO THE POINT OF BEGINNING.
 AS MORE FULLY DESCRIBED IN SAID DEED OF TRUST AND ALL RELATED LOAN DOCUMENTS

APN: 304-67-039A 1 , 304-67-039B 1, 304-67-003B 8, 304-67-003C 7 and 304-67-003A 9

THIS DEED OF TRUST, INCLUDING THE ASSIGNMENT OF RENTS AND THE SECURITY INTEREST IN THE RENTS AND PERSONAL PROPERTY, IS GIVEN TO SECURE (A) PAYMENT OF THE INDEBTEDNESS AND (B) PERFORMANCE OF ANY AND ALL OBLIGATIONS UNDER THE DEED OF TRUST

Original Principal Balance \$583,500.00

Name and Address of original Trustor

QUEEN CREEK CAFE, LLC,
 22002 S. ELLSWORTH RD.,
 QUEEN CREEK , AZ 85242

Name and Address of the Beneficiary

UNION BANK, N.A., SUCCESSOR BY MERGER TO SANTA BARBARA BANK & TRUST, N.A.,
 FORMERLY KNOWN AS PACIFIC CAPITAL BANK, N.A.
 8155 MERCURY CT.
 SAN DIEGO, CA 92111

Name and Address of Trustee

MTC FINANCIAL INC. dba Trustee Corps
 17100 Gillette Ave,
 Irvine, CA 92614
 949-252-8300

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UNIFIED SALE:

THE PROPERTY COVERED IN THIS NOTICE OF TRUSTEE SALE INCLUDES ALL REAL PROPERTY AND PERSONAL PROPERTY, WHICH PERSONAL PROPERTY IS ALSO SECURITY FOR THE SAME ELECTION OF THE BENEFICIARY UNDER SAID DEED OF TRUST, ASSIGNMENT OF RENTS, SECURITY AGREEMENT AND FIXTURE FILING TO CAUSE A UNIFIED SALE TO BE MADE OF SAID REAL PROPERTY AND PERSONAL PROPERTY IN ACCORDANCE WITH THE PROVISIONS OF ARIZONA UNIFORM COMMERCIAL CODE REVISED STATUTES 47-9604.

IN ADDITION TO THE DEFAULT AND ELECTIONS STATED ON THE NOTICE OF TRUSTEE'S SALE, THE BENEFICIARY HEREBY ELECTS TO CONDUCT A UNIFIED FORECLOSURE SALE PURSUANT TO THE PROVISIONS OF THE ARIZONA UNIFORM COMMERCIAL CODE SECTION 47-9604 AND TO INCLUDE IN THE NON-JUDICIAL FORECLOSURE OF THE ESTATE DESCRIBED IN SAID NOTICE OF TRUSTEE'S SALE AND ELECTION TO SELL ALL OF THE PERSONAL PROPERTY AND FIXTURES DESCRIBED IN SAID DEED OF TRUST AND ALL OF THE PERSONAL PROPERTY AND/OR FIXTURES COVERED BY (I) THE DEED OF TRUST RECORDED ON APRIL 28, 2004, AS INSTRUMENT NO. 20040459425 AND RE-RECORDED ON JULY 16, 2004 AS INSTRUMENT NO. 20040815400, BOTH OF OFFICIAL RECORDS IN THE OFFICE OF THE RECORDER OF MARICOPA COUNTY, ARIZONA, AND (II) THE UNCONDITIONAL GUARANTEE(S) DATED APRIL 28, 2004 (III) THE UCC FINANCING STATEMENTS, NAMING TRUSTOR AS DEBTOR AND BENEFICIARY AS SECURED PARTY, RECORDED IN THE OFFICIAL RECORDS, AND (IV) THE UCC FINANCING STATEMENTS, NAMING TRUSTOR AS DEBTOR AND BENEFICIARY AS SECURED PARTY, FILED IN THE OFFICE OF THE ARIZONA OFFICE OF THE SECRETARY OF STATE ON APRIL 13, 2004 AS FILING NO. 200413106037;

THIS FINANCING STATEMENT COVERS THE FOLLOWING COLLATERAL:

ALL INVENTORY, CHATTEL PAPER, ACCOUNTS, EQUIPMENT AND GENERAL INTANGIBLES, AND INCLUDING SPECIFIC EQUIPMENT AS LISTED ON 'EXHIBIT A', ATTACHED AND INCORPORATED INTO THE UCC-1 FINANCING STATEMENT FILED APRIL 13, 2004 AS FILING NO. 200413106037, WHEREVER LOCATED; WHETHER ANY OF THE FOREGOING IS OWNED NOW OR ACQUIRED LATER; ALL ACCESSIONS, ADDITIONS, REPLACEMENTS AND SUBSTITUTIONS RELATING TO ANY OF THE FOREGOING; ALL RECORDS OF ANY KIND RELATING TO ANY OF THE FOREGOING; ALL PROCEEDS RELATING TO ANY OF THE FOREGOING (INCLUDING INSURANCE, GENERAL INTANGIBLES AND OTHER ACCOUNTS PROCEEDS).

INCLUDING A DESCRIPTION OF REAL AND PERSONAL PROPERTY IN SAID UCC FINANCING STATEMENT

THE BENEFICIARY RESERVES THE RIGHT TO REVOKE ITS ELECTION AS TO SOME OR ALL OF SAID PERSONAL PROPERTY AND/OR FIXTURES, OR TO ADD ADDITIONAL PERSONAL PROPERTY AND/OR FIXTURES TO THE ELECTION HEREIN EXPRESSED, AT BENEFICIARY'S SOLE ELECTION, FROM TIME TO TIME AND AT ANY TIME UNTIL THE CONSUMMATION OF THE TRUSTEE'S SALE TO BE CONDUCTED PURSUANT TO THE DEED OF TRUST AND THIS NOTICE OF TRUSTEE'S SALE. THE PROPERTY OFFERED FOR SALE EXCLUDES ALL FUNDS HELD ON ACCOUNT BY THE PROPERTY RECEIVER, IF APPLICABLE.

Said sale will be made for cash (payable at time of sale), but without covenant or warranty, express or implied, regarding title, possession or encumbrances, to pay the remaining principal sum of the note secured by said Trust Deed, which includes interest thereon as provided in said Note, advances, if any under the terms of said Trust Deed, interest on advances, if any, fees, charges and expenses of the Trustee and of the trust created by said Trust Deed.

The Trustee will accept only cash or cash ^{Unofficial Document} check for reinstatement or price bid payment. Reinstatement payment must be paid before five o'clock P.M. (5:00 P.M.) on the last day other than a Saturday or legal holiday before the date of sale. The purchaser at the sale, other than the Beneficiary to the extent of his credit bid, shall pay the price bid no later than five o'clock P.M. (5:00 P.M.) of the following day, other than a Saturday or legal holiday

If the Trustee is unable to convey title for any reason, the successful bidder's sole and exclusive remedy shall be the return of monies paid to the Trustee and the successful bidder shall have no further recourse.

Conveyance of the property shall be without warranty, express or implied, and subject to all liens, claims or interest having a priority senior to the Deed of Trust. The Trustee shall not express an opinion as to the condition of title.

DATE: 10/23/2013

Trustee Corps, as Duly Appointed Successor Trustee



Matthew Kelley, Trustee Sale Officer

Manner of Trustee qualification:

Real Estate Broker, as required by ARS Section 33-803, Subsection A

Name of Trustee's regulator:

Arizona Department of Real Estate

SALE INFORMATION CAN BE OBTAINED ONLINE AT www.priorityposting.com

FOR AUTOMATED SALES INFORMATION PLEASE CALL:

Priority Posting and Publishing at 714-573-1965

TS No. AZ01000039-13

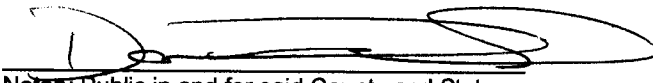
TO No. 95303642

STATE OF CaliforniaCOUNTY OF Orange

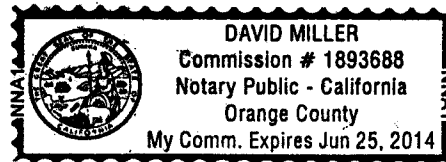
On 10/23/13 before me, David Miller, a notary public, personally appeared Matthew Kelley who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/~~are~~ subscribed to the within instrument and acknowledged to me that he/~~she/they~~ executed the same in his/~~her/their~~ authorized capacity(~~ies~~), and that by his/~~her/their~~ signature(~~s~~) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.



Notary Public in and for said County and State



To the extent your original obligation was discharged, or is subject to an automatic stay of bankruptcy under Title 11 of the United States Code, this notice is for compliance and/or informational purposes only and does not constitute an attempt to collect a debt or to impose personal liability for such obligation. However, a secured party retains rights under its security instrument, including the right to foreclose its lien.

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